IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO. 1779 OF 1989

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge?

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SHREE DIGIVIJAY CEMENT CO LTD. - Petitioner(s)
Versus
JAMNAGAR DISTRICT PANCHAYAT & ANR. - Respondent(s)

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Appearance :
MR. D.G. CHAUHAN for Petitioner(s).
MR. P.V. HATHI for Respondent(s) : 1.
MR. DIPEN DESAI, AGP for Respondent(s) : 2.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG
and
HONOURABLE MR.JUSTICE M.R. SHAH

Date : 22/06/2006

ORAL JUDGMENT
(Per : HONOURABLE MR.JUSTICE R.S.GARG)

By this petition under Article-226 of the Constitution of India, the petitioners seek to challenge

certain provisions of the Gujarat Panchayats Act, 1961. It is to be seen that the particular provision, which related to octroi, has already been repealed by the Act of 1993. It is to be seen that the Act of 1961 itself has been repealed. If that be so, the Court is not required to enter into an academic discussion relating to constitutional validity of the provision, which was part of the repealed Act. The petition is dismissed. Rule is discharged. Interim relief, if any, granted earlier shall stand vacated. No costs.

[***R.S.Garg, J.***]

[***M. R. Shah, J.***]

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